

From: [Lisa Kusnierz](#)
To: [Yashan, Dean](#)
Subject: Re: FW: MS4 question
Date: 05/08/2012 09:32 AM

Yeah, I was asking him if it was in the permit as an error and his response was not the most straight-forward. I think because MDT is a co-permittee, it got included in the permit. I came up with a crude approach for the WLA if I need to do one. I've got mandatory health and safety training today but will give you a call when I get a chance.

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▼ "Yashan, Dean" ---05/08/2012 09:11:49 AM---Call me about this to make sure I am interpreting correctly - Brian seems to imply if it is in the p

From: "Yashan, Dean" <DYashan@mt.gov>
To: Lisa Kusnierz/MO/R8/USEPA/US@EPA
Cc: "Schmidt, Christian" <CSchmidt2@mt.gov>
Date: 05/08/2012 09:11 AM
Subject: FW: MS4 question

[Call me about this to make sure I am interpreting correctly – Brian seems to imply if it is in the permit, then it is correct. I am wondering if it is possible that the permit applicant made an error regarding Bear Creek?](#)

From: Heckenberger, Brian
Sent: Monday, May 07, 2012 1:44 PM
To: 'Lisa Kusnierz'
Cc: Skubinna, Paul; Chambers, Jenny; Yashan, Dean
Subject: RE: MS4 question

Lisa,

The Small MS4 General Permit reapplication form used back in 2009 for the 2010-2014 General Permit cycle asked for information about receiving surface waters. For a few permittees there was a bit of confusion as the form line item states "List the names of all named or perennial receiving surface waters, as indicated on a USGS topographic map, within the permitted area." However, the instruction for this form line item states "Identify all of the different named or perennial (include both) surface waters

receiving storm water runoff from your particular co-permittee Small MS4 by using the USGS topographic map." The latter is the case for purposes of our DEQ Small MS4 permitting, as we are regulating discharges of storm water into the receiving surface waters. In some situations the named or perennial receiving surface water (as shown on a USGS topographic map) may be physically outside the regulated MS4 permitted geographic area, which in the case of Bozeman, is based on the current incorporated city limits. Consequently, if Bear Creek was listed by the City or another co-permittee (MDT or MSU) on the reapplication form as receiving storm water runoff from the pertinent MS4, then it is a valid receiving surface water for the MS4.

Also, please disregard the use of the term "urban cluster", and this term has indeed created some confusion for certain MS4 permittees over the years. The EPA and US Bureau of Census maps (based on the decennial census) do typically show "urban clusters" as well as "urbanized areas." However, based on pertinent federal and state rules related to Small MS4s, the bottom line is that the MS4 regulated areas in Montana are either based on the "urbanized area" from the latest decennial census (applies to MS4s in Billings, Great Falls, and Missoula), or on the current incorporated city limits (applies to Bozeman, Butte, Helena, and Kalispell). An "urbanized area", a term developed by the US Bureau of Census, has a population of at least 50,000 and a population density of at least 1,000 people per square mile.

Thanks.

Brian Heckenberger
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(406) 444-5310

From: Lisa Kusnierz [<mailto:Kusnierz.Lisa@epamail.epa.gov>]
Sent: Monday, May 07, 2012 12:17 PM
To: Heckenberger, Brian
Subject: MS4 question

Hi Brian,

I'm working with Christian Schmidt on TMDLs for the Bozeman area. I'm working on sediment TMDLs and was looking last week at the receiving waters listed in the MS4 permit for Bozeman. I am a little confused about the waters on the list and wanted to double check with you. It is my understanding that based on the size of Bozeman, the MS4 only applies to waters within the city limits. However, there were some emails back and forth between you, Christine, and the city that used the

term "urban cluster." It seems like as a result of that, Bear Creek (as well as some other waters) were added to the list although they are not technically within the city. I am doing a sediment TMDL for Bear Creek but because it is outside of the city, it was not included in the stormwater model HDR did for the city or the model that Erik Makus set up and ran for me and Christian. If it's appropriately included in the permit, I need to give it a WLA as part of the Bear Creek TMDL. However, it doesn't necessarily seem to me like it should be listed in the permit. What are your thoughts?

Thanks,

Lisa

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